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## **OLR Bill Analysis**

### **sHB 5060**

#### ***AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC.***

##### **SUMMARY:**

This bill generally prohibits peace officers from interfering with anyone taking a photograph, digital still, or video image of either the officer or a colleague performing his or her job duties. But under the bill, officers can interfere to:

1. lawfully enforce a state criminal law or municipal ordinance;
2. protect public safety;
3. preserve the integrity of a crime scene or criminal investigation;
4. safeguard the privacy of a crime victim or other person; or
5. lawfully enforce Judicial Branch rules and policies that limit taking photographs, videotaping, or otherwise recording images in branch facilities.

The bill requires the State Police and Police Officer Standards and Training Council (POST) to jointly develop a model policy and training standard on the bill's requirements. The policy and standard must be consistent with public safety and rights under the following amendments to the U.S. Constitution:

1. 1<sup>st</sup> Amendment (freedom of speech, press, religion, petition, and assembly),
2. 4<sup>th</sup> Amendment (protections against unreasonable searches and seizures), and
3. 14<sup>th</sup> Amendment (due process and equal protection provisions).

By January 15, 2015, POST must submit the policy and standard to the Public Safety and Security Committee, Department of Emergency Services and Public Protection commissioner, and the chief law enforcement officer and instructor in each municipal police department. Starting July 1, 2015, the bill requires law enforcement agencies to adopt and implement the policy and standard.

EFFECTIVE DATE: October 1, 2014

## **BACKGROUND**

### ***Peace Officers***

Under state law, “peace officers” are state or local police officers, Criminal Justice Division inspectors, state or judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction (DOC) officials authorized to make arrests in DOC facilities, Treasurer’s Office investigators, federal narcotics agents, and certain tribal law enforcement officers (CGS § 53a-3).

### ***Police Officer Standards and Training Council***

POST (1) trains, certifies, and establishes minimum qualifications for municipal police officers and (2) enforces professional standards for certifying and decertifying them.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 27      Nay 12      (03/28/2014)